

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SLC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/465, 946 12/17/99 WRIGHT

S CS1062#SP

QM12/1108

EXAMINER

BRUCE S SHAPIRO TW199
PATENT DEPARTMENT
THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD
TOWSON MD 21286

TRAN, K

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

11/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/465,946	Applicant(s) Wright
	Examiner Kim N. Tran	Group Art Unit 3724

Responsive to communication(s) filed on _____

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-4 is/are rejected.

Claim(s) 5-8 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson.

Atkinson describes the same invention including a body (10), motor (11), and pivotable sole plate (15) that is lockable in a plurality of positions (col . 2, lines 58-60).

Allowable Subject Matter

4. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3724

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grabowski, Moores, Jr., Gerritsen, Jr., Bednar, Schmitz, Kasten, and Meyer et al. are cited to show related devices.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Tran whose telephone number is (703) 305-2597.
7. Any general inquiry relating to this application can be directed to the Group receptionist at (703)-308-1148 or Supervisory Patent Examiner, Rinaldi Rada, at (703)-308-2187. Please submit facsimiles to the Group fax number at (703)-305-3579.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700



knt

October 12, 2000